

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appln. No:	To Be Assigned
Applicant:	David Myr, et al.
Filed:	Herewith
Title:	SYSTEM AND METHOD FOR PROFIT MAXIMIZATION IN RETAIL INDUSTRY
TC/A.U.:	To Be Assigned
Examiner:	To Be Assigned

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

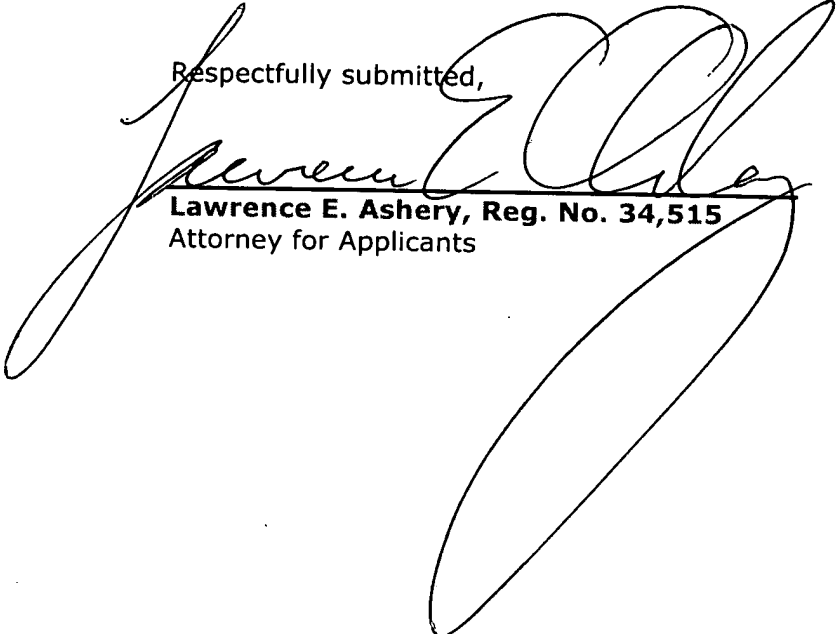
Pursuant to 37 C.F.R. §§ 1.97 and 1.98 and to the duty of disclosure set forth in 37 C.F.R. § 1.56, the Examiner in charge of the above-identified application is requested to consider and make of record the references listed on the PTO 1449 (RP) submitted herewith. Copies of each of the listed non-patent literature documents are also enclosed.

Although the information submitted herewith may be "material" to the Examiner's consideration of the subject application, this submission is not intended to constitute an admission that such information is "prior art" as to the claimed invention.

In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

This Information Disclosure Statement is being filed concurrently with the above-referenced application.

Respectfully submitted,

  
**Lawrence E. Ashery, Reg. No. 34,515**  
Attorney for Applicants

LEA/vj

Enclosures: PTO Form 1449  
(3) References  
Transmittal Form

Dated: October 17, 2003

P.O. Box 980  
Valley Forge, PA 19482-0980  
(610) 407-0700

☒ P.O. Box 980  
Valley Forge, PA 19482  
(610) 407-0700

☐ P.O. Box 1596  
Wilmington, DE 19899  
(302) 778-2500

**EXPRESS MAIL**

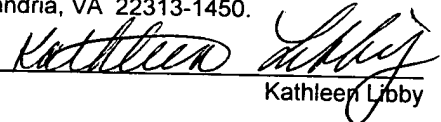
Mailing Label Number:

EV351885091

Date of Deposit:

October 17, 2003

I hereby certify that this paper and fee are being deposited, under 37 C.F.R. § 1.10 and with sufficient postage, using the "Express Mail Post Office to Addressee" service of the United States Postal Service on the date indicated above and that the deposit is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Kathleen Libby

Substitute for Form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

**Complete if Known**

Application Number	To Be Assigned
Filing Date	Herewith
First Named Inventor	David Myr, et al.
Art Unit	To Be Assigned
Examiner Name	To Be Assigned
Attorney Docket No.	MAK-106US

SHEET 1 of 2

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date (MM-DD-YYYY)	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
		US-5,521,813	05-28-1996	Fox, et al.	
		US-5,596,493	01-21-1997	Tone, et al.	
		US-5,712,985	1-27-1998	Lee, et al.	
		US-5,987,425	11-16-1999	Hartman, et al.	
		US-6,029,139	02-22-2000	Cunningham, et al.	
		US-6,076,071	06-13-2000	Freeny, Jr.	
		US-6,078,893	06-20-2000	Ouimet, et al.	
		US-6,094,641	07-25-2000	Ouimet, et al.	
		US-6,138,105	10-24-2000	Walker, et al.	
		US-6,397,199	05-28-2002	Goodwin, III	
		US-6,553,352	04-23-2003	Delurgio, et al.	
		US-2002/0065699 A1	05-30-2002	Talluri	
		US-2002/0099678 A1	07-25-2002	Albright, et al.	
		US-2002/0107819 A1	08-08-2002	Ouimet	
		US-2002/0120492 A1	08-29-2002	Phillips, et al.	
		US-2002/0123930 A1	09-05-2002	Boyd, et al.	
		US-2002/0147767 A1	10-10-2002	Brice, et al.	
		US-2002/0156663 A1	10-24-2002	Weber, et al.	
		US-2002/0156858 A1	10-24-2002	Hunter	
		US-2002/0165756 A1	11-07-2002	Tobin, et al.	
		US-2002/0169654 A1	11-14-2002	Santos, et al.	
		US-2002/0169657 A1	11-14-2002	Singh, et al.	
		US-2003/0028437 A1	02-06-2003	Grant, et al.	
		US-2003/0110072 A1	06-12-2003	Delurgio, et al.	
		US-			

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date (MM-DD-YYYY)	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
						<input type="checkbox"/>
						<input type="checkbox"/>

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

<sup>1</sup>Applicant's unique citation designation number (optional).

<sup>2</sup>See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.

<sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard St.3).

<sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible.

<sup>6</sup>Applicant is to place a check mark here if English language translation is attached.

The collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.**

Substitute for Form 1449B/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

**Complete if Known**

Application Number	To Be Assigned
Filing Date	Herewith
First Named Inventor	David Myr, et al.
Art Unit	To Be Assigned
Examiner Name	To Be Assigned
Attorney Docket No.	MAK-106US

**SHEET 2 of 2****NON-PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
		EFRON, B., et al., <i>An Introduction to the Bootstrap</i> , pp. 45-49 and 124-127, Chapman and Hall (1993).	<input type="checkbox"/>
		GUPTA, D., et al., <i>A Pricing Model for Clearing End of Season Retail Inventory</i> , Univ. of Minnesota (2002).	<input type="checkbox"/>
		HJORTH, U., <i>Computer Intensive Statistical Methods</i> , pp. 38-45, Chapman & Hall, London (1994).	<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

<sup>1</sup>Applicant's unique citation designation number (optional).

<sup>2</sup>Applicant is to place a check mark here if English language translation is attached.

The collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

**SEND TO : Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.